

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RUBEN CARRILLO-CASTELLON,

Defendant.

4:11CR3086

MEMORANDUM AND ORDER

This matter is before the Court on defendant Ruben Carrillo-Castellon's *pro se* notice of appeal (filing [102](#)). The Clerk of the Court has advised the Court in a memo (filing [103](#)) that the notice of appeal appears to be untimely, and has requested a ruling on the issue of its timeliness.

Defendant's judgment was filed on February 2, 2012 (filing [84](#)). Senior District Judge Richard G. Kopf sentenced defendant to 87 months' imprisonment after defendant pled guilty to conspiracy to distribute methamphetamine in violation of [21 U.S.C. § 846](#). Defendant filed his notice of appeal on June 18, 2012. Filing [102](#).

Pursuant to [Fed. R. App. P. 4\(b\)](#), a criminal defendant's notice of appeal must be filed within 14 days of the entry of judgment. The Court may extend this deadline by an additional 30 days upon a finding of excusable neglect or good cause. [Fed. R. App. P. 4\(b\)\(4\)](#). Defendant's notice of appeal was filed well beyond either of these deadlines. Defendant has not requested an extension, and the Court finds that his appeal is untimely. The Court will therefore issue a certification that defendant's appeal is not taken in good faith, pursuant to [Fed. R. App. P. 24\(a\)\(3\)\(A\)](#).

Accordingly,

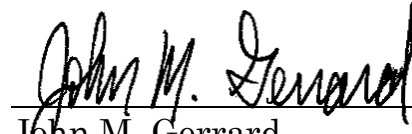
IT IS ORDERED:

1. The Court finds that defendant's notice of appeal (filing [102](#)) is not timely.
2. The Clerk of the Court shall not process an appeal to the United States Court of Appeals for the Eighth Circuit on the basis of defendant's notice of appeal.

3. Pursuant to [Fed. R. App. P. 24\(a\)\(3\)\(A\)](#), the Court certifies that defendant's appeal is not taken in good faith, as the appeal is untimely and is without any apparent legal basis.
4. Pursuant to [Fed. R. App. P. 24\(a\)\(4\)](#), the Clerk of the Court shall forward a copy of this memorandum and order to the Clerk of the United States Court of Appeals for the Eighth Circuit.
5. The Clerk is also directed to mail a copy of this memorandum and order to the defendant at his last known address.

Dated this 19th day of June, 2012.

BY THE COURT:

A handwritten signature in black ink, appearing to read "John M. Gerrard", is written over a horizontal line.

John M. Gerrard  
United States District Judge